

Message Text

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12

ACTION L-03

INFO OCT-01 AF-10 EUR-25 ADP-00 EB-11 COME-00 TRSE-00

SCEM-02 INT-08 CIEP-02 OMB-01 CIAE-00 DODE-00 PM-07

H-02 INR-10 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-15

USIA-12 RSR-01 /125 W

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R 101530Z JUL 73

FM AMEMBASSY TRIPOLI

TO SECSTATE WASHDC 0288

AMEMBASSY LONDON

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E.O. 11652: N/A

TAGS: ENRG EIND EFIN LY

SUBJECT: BUNKER HUNT NATIONALIZATION

REF: STATE 131160

1. NOTE DATED JULY 5 AND CONFORMING TO TEXT PARA 6 REFTEL DELIVERED MFA JULY 8. FOLLOWING DAY CHARGE RECEIVED APPOINTMENT WITH NAJIB SHAYBANI, MFA DIRECTOR OF POLITICAL AFFAIRS. CHARGE PRESENTED HIM COPY OF NOTE AND TOOK OCCASION TO READ HIM PASSAGES OF QADHAFI'S JUNE 11 SPEECH (FBIS M111910) AND LIBYAN RADIO COMMENTARY OF JUNE 12 (FBIS M121942) THAT COULD BE CITED AS LARG'S STATED REASONS FOR ACTION AGAINST BH CONSTITUTING "POLITICAL REPRISAL AGAINST THE USG AND COERCION AGAINST THE ECONOMIC INTERESTS OF CERTAIN OTHER U.S. NATIONALS IN LIBYA."

2. SHAYBANI HAD SEVERAL REACTIONS. FIRST HE SAID THIS NOTE (NO. 59) SEEMED TO BE CONTRADICTED BY EMBASSY'S EARLIER NOTE ON SUBJECT, NO. 51 OF JUNE 14, WHICH "RECOGNIZED" THE RIGHT OF A SOVEREIGN STATE TO
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NATIONALIZE FOREIGN PRIVATE PROPERTY. (ACTUALLY IT

DID NOT SAY THAT, OF COURSE, BUT IT MAY BE IMPLIED BY SILENCE ON THE POINT.) CHARGE MADE THE POINT THAT LATEST NOTE ADDRESSES ITSELF TO SPECIFIC REASONS GIVEN BY LARG FOR NATIONALIZATION IN THIS CASE.

3. SHAYBANI THEN SHIFTED TO ARGUMENT THAT JUNE 11 QADHAFI HIMSELF CITED A "PUBLIC PURPOSE" FOR THE LARG'S ACTION, NAMELY THAT BH AS AN INDIVIDUAL DID NOT HAVE LEGAL STANDING TO HOLD A CONCESSION (WHICH PRESUMABLY RESERVED FOR CORPORATIONS). CHARGE COMMENTED THAT NEITHER OF US LAWYERS, AND IN ANY CASE QADHAFI HAD INTRODUCED HIS ANNOUNCEMENT BY GIVING POLITICAL AND COERCIVE REASONS.

4. SHAYBANI CONCLUDED BY SAYING LARG CERTAINLY STOOD BY EVERYTHING QADHAFI HAD SAID ON THAT OCCASION, OR ANY OTHER. USG HAD NOW PROTESTED AND "I DO NOT ACCEPT THE PROTEST". CHARGE REPLIED THAT OBVIOUSLY THE NOTE DESERVED CLOSE LEGAL STUDY AND HE EXPECTED THIS MIGHT TAKE SOME TIME CONSIDERING THE COMPLEXITIES INVOLVED. SHAYBANI SEEMED TO AGREE AND SAID HE WOULD REFER IT TO MFA'S LEGAL DEPT. CHARGE THEN MOVED ON TO OTHER SUBJECTS.

5. COMMENT: MFA SELDOM REPLIES TO OUR NOTES, AND CHARGE RECEIVED IMPRESSION THAT SHAYBANI'S "I DO NOT ACCEPT THE PROTEST" WAS TO COVER HIS REAR, FOR THE RECORD BEING MADE BY A NOTE-TAKER. HOWEVER, THE EVENTUAL LARG REACTION IS NOT PREDICTABLE. MEANWHILE, WOULD BE INTERESTED TO KNOW WHAT HUNT IS DOING TO PRESENT HIS OR ITS CASE TO LARG DIRECTLY. JOSIF

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